

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ZAKKIYAH R. DANIELS,

Petitioner,

-against-

KATHERINE M. KOSTREVA,

Defendant.  
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15-CV-3141 (ARR) (LB)

NOT FOR ELECTRONIC  
OR PRINT PUBLICATION

ORDER

ROSS, United States District Judge:

Defendant Katherine M. Kostreva has filed a motion for leave to proceed *in forma pauperis* on appeal. Dkt. #34. “The decision of whether to grant a request to proceed *in forma pauperis* is left to the District Court’s discretion under 28 U.S.C. § 1915. The Court’s discretion is limited in that[ a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” *Smith v. City of New York*, No. 12 Civ. 8131, 2014 WL 2575778, at \*3 (S.D.N.Y. June 9, 2014) (quoting *Burda Media Inc. v. Blumenberg*, 731 F. Supp. 2d 321, 322–23 (S.D.N.Y. 2010)). The good faith standard is objective, not subjective, and it is not satisfied “when a party seeks review of a frivolous claim.” *See id.* (citing *Coppedge v. United States*, 369 U.S. 438, 445 (1962)). As detailed in the court’s prior order, Ms. Kostreva willfully failed to defend this action until the last moment. See generally Dkt. #27. Her objections were nonetheless fully considered and rejected on their merits. See generally Dkt. #29; Dkt. #32. Thus, her application to proceed *in forma pauperis* is denied, without prejudice to his ability to seek that relief from the Second Circuit. *See id.*; *Johnson v. Dunn*, No. 12-CV-2484, 2015 WL 1611962, at \*2 (E.D.N.Y. Apr. 9, 2015).

SO ORDERED.

/s/ ARR

Allyne R. Ross  
United States District Judge

Dated: March 15, 2017  
Brooklyn, New York